STATE OF INDIANA

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

AUTHORIZATION TO DISCHARGE UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., the "Act"), and IDEM's authority under IC 13-15,

G.M. POWERTRAIN - BEDFORD

is authorized to discharge from its aluminum foundry facility that is located on North Jackson Street in Bedford, Indiana to receiving waters identified as an unnamed tributary to the Bailey Branch of Pleasant Run Creek in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

Effective Date: _____

Expiration Date: _____

In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the Indiana Department of Environmental Management no later than 180 days prior to the date of expiration.

Signed this ____ day of _____ for the Indiana Department of Environmental Management.

_____

Timothy J. Method
Deputy Commissioner

TREATMENT FACILITY CLASSIFICATION

The discharger has a Class D industrial wastewater treatment plant, classified in accordance with 327 IAC 5-22-5, Classification Wastewater Treatment Plants.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge from Outfall 002 [1]. The discharge is limited to contact and non-contact cooling water, treated corrective action waste streams, and storm water. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into the unnamed tributary to the Bailey Branch of Pleasant Creek. Such discharge shall be limited and monitored by the permittee as specified below:

DISCHARGE LIMITATIONS

	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
Parameter	Monthly Average	Daily Maximum	Units	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Flow	Report	Report	MGD	-	-	-	5 x Weekly	24 Hour Total
pH	-	6.0 to 9.0	Std Units	-	-	-	1 x Weekly	Grab
Oil & Grease	-	-	-	-	10	mg/l	1 x Weekly	Grab
Total Suspended Solids	-	-	-	10	15	mg/l	1 x Weekly	24 Hr. Composite
Total Copper [2]	-	-	-	0.023	0.054	mg/l	1 x Weekly	24 Hr. Composite
Total Cyanide [6] [7]	-	-	-	Report	Report	mg/l	1 x Weekly	24 Hr. Composite
Total Lead [2]	-	-	-	0.01	0.02	mg/l	1 x Weekly	24 Hr. Composite
Total Zinc [2]	0.54	1.41	lbs/day	-	-	-	1 x Weekly	24 Hr. Composite
Total Phenols	0.27	0.76	lbs/day	-	-	-	1 x Weekly	24 Hr. Composite
Total Residual Chlorine [3][7]	-	-	-	0.01	0.02	mg/l	1 x Weekly	Grab
Polychlorinated Biphenyls (PCB's) [3][5][7]	-	-	-	0.0006	0.0013	ug/l	1 x Weekly	24 Hr. Composite
Ammonia	-	-	-	1.8	3.6	mg/l	1 x Weekly	24 Hr. Composite
BOD_5 [4]								
Summer	-	-	-	10	20	mg/l	3 x Weekly	24 Hr. Composite
Winter	-	-	-	15	30	mg/l	3 x Weekly	24 Hr. Composite
Whole Effluent Toxicity	-	-	See Part I.E. Biomonitoring Requirements					

[1] The following water treatment additives in use at Outfall 002 are under review for use by the Commissioner: **Urea Dry; Granular Chloride HTH 70%; Aluminum Sulfate; Drewfloc 2448; GAC Udysorb Activated Carbon; Drewchlor 4107; Drewgard 120; Sodium Bicarbonate Powered US; Drew 6005 pH Control Additive; Drew 6110 Coreactant; Carbide Lime; Amersep 5320 Coagulant; Muriatic Acid, Inhibited; Drewfloc 2270; Adjunct H Corrosion Inhibitor; Drewsperse 2625A; Drewsperse 739; Biosperse 250; Drewplus ed-830; Drew 2305; WPD 11-166; Biosperse 255; Biosperse 284B; Sodium Hypochlorite 12.5%; Rydlyme; Muriatic Acid; Drewtrol 7000; Amersep 5320; Amersite 2; Biosperse 244 OT;** In the event that changes are to be made in the use of water treatment additives including dosage rates, the permittee shall notify the Indiana Department of Environmental Management as required by Part II.C.1. of this permit. The use of any new or changed water treatment additives must receive prior approval from IDEM in accordance with Part II.A.5, A.8 and C.10 of this permit. Acute and chronic aquatic toxicity information must be provided.

[2] The above-noted parameter is intended to be analyzed by a test method which will measure the quantity of acid-soluble metal present, however, an approved analytical method for acid-soluble metal is not yet available. Therefore, the permittee shall measure and report this parameter as <u>total recoverable</u> metal until such method is approved which measures acid-soluble metal.

[3] The water quality based effluent limit (WQBEL) for Total Residual Chlorine and PCB's is less than the limit of quantitation (LOQ) as defined below. Compliance with this permit will be demonstrated if the effluent concentrations measured are less than the LOQ.

If the measured concentration of Total Residual Chlorine and PCB"s is greater than the water quality based effluent limitations and above the respective LOD specified in the table below in any three (3) consecutive analyses, or any five (5) out of nine (9) analyses, then the discharger shall:

(1) Determine the source of the parameter through an evaluation of sampling techniques, analytical/laboratory procedures, and waste streams (including internal waste streams); and evaluate PCB treatment systems and chlorination/de-chlorination procedures

Parameter	Test Method	LOD	LOQ
PCBs	608	0.1 ug/l	0.32 ug/l
Chlorine	330.1 or 330.5	0.02 mg/l	0.06 mg/l

The LOD and LOQ listed for method 608 pertain to PCBs(class), which would include any/all aroclors identified.

[4] Summer limitations apply from May 1 through November 30. Winter limitations apply from December 1 through April 30.

[5] 1 x Weekly monitoring of this parameter shall be performed when waste streams from corrective action activities are routed through the wastewater treatment system and discharged.

[6] Cyanide shall be measured and reported as Total Cyanide. The maximum holding time for cyanide (CN) is 24 hours when sulfide is present and 14 days when sulfide is absent, according to 40 CFR 136.3, Table II. Therefore, CN is to be monitored by collecting a representative grab sample and analyzing it within 24 hours. Alternatively, if the permittee can demonstrate the wastewater contains no sulfide, the permittee may collect a composite sample and analyze it within 14 days.

Parameter	Test Method	LOD	LOQ
Cyanide	335.3	1.6 ug/l	5 ug/l

[7] Case-Specific LOD/LOQ

The permittee may determine a case-specific LOD or LOQ using the analytical method specified above, or any other test method which is approved by the Commissioner prior to use. The LOD shall be derived by the procedure specified for method detection limits contained in 40 CFR Part 136, Appendix B, and the LOQ shall be set equal to 3.18 times the LOD. Other methods may be used if first approved by the Commissioner.

2 During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge from Outfall 003 [1] [3]. The discharge is limited to storm water run-off. Samples taken in compliance with the monitoring requirements below shall be taken at a point representative of the discharge but prior to entry into the unnamed tributary to the Bailey Branch of Pleasant Creek. Such discharge shall be limited and monitored by the permittee as specified below:

STORM WATER DISCHARGE LIMITATIONS [5]

	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
Parameter	Monthly Average	Daily Maximum	Units	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Flow [3]	Report	Report	MGD	-	-	-	Daily [2]	24 Hr. Total
pH	-	-	-	-	6.0 to 9.0	Std Units	Daily [2]	Grab
Oil & Grease	-	-	-	Report	Report	mg/l	Daily [2]	Grab
Polychlorinated Biphenyls (PCB's) [4]	-	-	-	0.0006	0.0013	ug/l	Daily [2]	24 Hr. Composite
Total Suspended Solids	-	-	-	Report	Report	mg/l	Daily [2]	Grab & Composite
$CBOD_5$	-	-	-	Report	Report	mg/l	Daily [2]	Grab & Composite
COD	-	-	-	Report	Report	mg/l	Daily [2]	Grab & Composite
Total Kjeldahl Nitrogen	-	-	-	Report	Report	mg/l	Daily [2]	Grab & Composite
Nitrate plus Nitrite Nitrogen	-	-	-	Report	Report	mg/l	Daily [2]	Grab & Composite
Total Phosphorus	-	-	-	Report	Report	mg/l	Daily [2]	Grab & Composite

[1] The permittee shall notify the Indiana Department of Environmental Management as required by Part II.C.1. of this permit if the permittee plans to use any water treatment additives. The permittee must receive prior approval from IDEM in accordance with Part II.A.5, A.8 and C.10 of this permit before it can use any water treatment additive. Acute and chronic aquatic toxicity information must be provided.

[2] Daily measurement frequency shall mean any day the facility discharges from Outfall 003.

[3] The permittee shall act to maintain a reserve capacity in the storm water retention lagoon greater than or equal to that sufficient to contain a 15 year, 24-hour storm event on the lagoon and contributing areas. The pumping rate or draw down rate at which the contents of the storm lagoon are continuously fed into the biological treatment system has averaged 185,000 gpd in the past. Dry weather discharge is prohibited. Discharge from Outfall 003 is permitted only when a severe storm event or combination of storm events results in an overflow of the retention lagoon despite the permittee's effort to maintain the storage capacity as noted. In the event of the overflow, the permittee shall monitor the discharge as noted above.

[4] The water quality based effluent limit (WQBEL) for PCB's is less than the limit of quantitation (LOQ) as defined below. Compliance with this permit will be demonstrated if the effluent concentrations measured are less than the LOQ.

If the measured concentration of PCB"s is greater than the water quality based effluent limitations and above the respective LOD specified in the table below in any three (3) consecutive analyses, or any five (5) out of nine (9) analyses, then the discharger shall:

(1) Determine the source of the parameter through an evaluation of sampling techniques, analytical/laboratory procedures, and waste streams (including internal waste streams); and evaluate PCB treatment systems.

Case-Specific LOD/LOQ

The permittee may determine a case-specific LOD or LOQ using the analytical method specified above, or any other test method which is approved by the Commissioner prior to use. The LOD shall be derived by the procedure specified for method detection limits contained in 40 CFR Part 136, Appendix B, and the LOQ shall be set equal to 3.18 times the LOD. Other methods may be used if first approved by the Commissioner.

Parameter	Test Method	LOD	LOQ
PCBs	608	0.1 ug/l	0.32 ug/l

[5] The permittee is required to develop and implement a Storm Water Pollution Prevention Plan as described in Part I.D. of the permit.

B. NARRATIVE WATER QUALITY STANDARDS

1. In accordance with 327 IAC 2-1-6, all waters at all times and at all places, including the mixing zone, shall meet the minimum conditions of being free from substances, materials, floating debris, oil, or scum attributable to the discharge:

   a. That will settle to form putrescent or otherwise objectionable deposits;

   b. That are in amounts sufficient to be unsightly or deleterious;

   c. That produce color, visible oil sheen, odor, or other conditions in such a degree as to create a nuisance;

   d. Which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants or humans;

   e. Which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such degree as to create a nuisance, be unsightly, or otherwise impair the designated use.

2. At all times, all waters outside of the mixing zone shall be free of substances in concentrations which on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

C. MONITORING AND REPORTING

1. Representative Sampling

   Samples and measurements taken as required herein shall be representative of the volume and nature of the discharge.

2. Discharge Monitoring Reports

   a. Calculations that require averaging of measurements of daily values (both concentration and mass) shall use an arithmetic mean.

   b. Daily effluent values (both mass and concentration) that are less than the LOQ that are used to determine the monthly average effluent level shall be accommodated in calculation of the averages using statistical methods that have been approved by the Commissioner.

c. Effluent concentrations less than the LOD shall be reported on the Discharge Monitoring Report (DMR) forms as < (less than) the value of the LOD. For example, if a substance is not detected at a concentration of 0.1 ug/l, report the value as <0.1 ug/l.

d. Effluent concentrations greater than or equal to the LOD and less than the LOQ that are reported on a DMR shall be reported as the actual value and annotated on the DMR to indicate that the value is not quantifiable.

e. Mass discharge values which are calculated from concentrations reported as less than the value of the limit of detection shall be reported as less than the corresponding mass discharge value.

f. Mass discharge values that are calculated from effluent concentrations greater than the limit of detection shall be reported as the calculated value.

The permittee shall submit federal and state discharge monitoring reports to the Indiana Department of Environmental Management containing results obtained during the previous month which shall be postmarked no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the month in which the permit becomes effective.

The Regional Administrator may request the permittee to submit monitoring reports to the Environmental Protection Agency if it is deemed necessary to assure compliance with the permit.

3. Definitions

a. Monthly Average

(1) Mass Basis - The "monthly average" discharge means the total mass discharge during a calendar month divided by the number of days in the month that the production or commercial facility was discharging. Where less than daily sampling is required by this permit, the monthly average discharge shall be determined by the summation of the measured daily mass discharges divided by the number of days during the calendar month when the measurements were made.

(2) Concentration Basis - The "monthly average" concentration means the arithmetic average of all daily determinations of concentration made during a calendar month. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during the calendar day.

b. "Daily Discharge"

(1) Mass Basis - The "daily discharge" means the total mass discharge by weight during any calendar day.

(2) Concentration Basis - The "daily discharge" means the average concentration over the calendar day or any twenty-four (24) hour period that reasonably represents the calendar day for the purposes of sampling.

c. "Daily Maximum"

(1) Mass Basis - The "daily maximum" means the maximum daily discharge mass value for any calendar day.

(2) Concentration Basis - The "daily maximum" means the maximum daily discharge value for any calendar day.

(3) Temperature Basis - The "daily maximum" means the highest temperature value measured for any calendar day.

d. A 24-hour composite sample consists of at least 3 individual flow-proportioned samples of wastewater, taken by the grab sample method or by an automatic sampler, which are taken at approximately equally spaced time intervals for the duration of the discharge within a 24-hour period and which are combined prior to analysis. A flow-proportioned composite sample may be obtained by:

(1) recording the discharge flow rate at the time each individual sample is taken,

(2) adding together the discharge flow rates recorded from each individuals sampling time to formulate the "total flow" value,

(3) the discharge flow rate of each individual sampling time is divided by the total flow value to determine its percentage of the total flow value,

(4) then multiply the volume of the total composite sample by each individual sample's percentage to determine the volume of that individual sample which will be included in the total composite sample.

e. Concentration--The weight of any given material present in a unit volume of liquid. Unless otherwise indicated in this permit, concentration values shall be expressed in milligrams per liter (mg/l).

f. The "Regional Administrator" is defined as the Region V Administrator, U.S. EPA, located at 77 West Jackson Boulevard, Chicago, Illinois 60604.

g. The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, which is located at the following address: 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.

h. "Limit of Detection or LOD" means a measurement of the concentration of a substance that can be measured and reported with ninety-nine percent (99%) confidence that the analyte concentration is greater than zero (0) for a particular analytical method and sample matrix. The LOD is equivalent to the method detection level or MDL.

i. "Limit of Quantitation or LOQ" means a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calibrated at a specified concentration about the method detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant. This term is also called the limit of quantification or quantification level.

j. "Method Detection Level or MDL" means the minimum concentration of an analyte (substance) that can be measured and reported with a ninety-nine percent (99%) confidence that the analyte concentration is greater than zero (0) as determined by the procedure set forth in 40 CFR Part 136, Appendix B. The method detection level or MDL is equivalent to the LOD.

4. Test Procedures

The analytical and sampling methods used shall conform to 40 CFR, Part 136. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable if they receive the prior written approval of the Commissioner and the U.S. Environmental Protection Agency.

a. Standard Methods for the Examination of Water and Wastewater
18th Edition, 1992, American Public Health Association,
Washington, D.C. 20005.

b. A.S.T.M. Standards, Part 23, Water; Atmospheric Analysis
1972 American Society for Testing and Materials,
Philadelphia, PA 19103.

c. Methods for Chemical Analysis of Water and Wastes
June 1974, Revised, March 1983, Environmental Protection Agency,
Water Quality Office, Analytical Quality Control Laboratory,
1014 Broadway, Cincinnati, OH 45202.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

a. The exact place, date, and time of sampling;

b. The person(s) who performed the sampling or measurements;

c. The dates the analyses were performed;

d. The person(s) who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of all required analyses and measurements.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of this monitoring shall be included in the calculation and reporting of the values required in the monthly Discharge Monitoring Report (DMR). Such increased frequency shall also be indicated. Other monitoring data not specifically required in the permit (such as internal process or internal waste stream data) which is collected by or for the permittee need not be submitted unless requested by the Commissioner.

7. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. The three years shall be extended:

a. automatically during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or

b. as requested by the Regional Administrator or the Indiana Department of Environmental Management.

D. STORM WATER POLLUTION PREVENTION PLAN

1. Development of Plan

Within 12 months from the effective date of the permit, the permittee is required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) for the permitted facility. The plan shall:

a. identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. Storm water associated with industrial activity (defined in 40 CFR 122.26(b)) includes, but is not limited to, the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or materials storage areas at an industrial plant;

b. describe and ensure implementation of practices to minimize and control pollutants in storm water discharges associated with industrial activity at the facility; and

c. assure compliance with the terms and conditions of this permit.

2. Contents

The plan shall include, at a minimum, the following items:

a. Pollution Prevention Team - The plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team who are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

b. Description of Potential Pollutant Sources - The plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. The plan shall identify all activities and significant materials (defined in 40 CFR 122.26(b)) which may potentially be significant pollutant sources. The plan shall include, at a minimum:

(1) A site map indicating, at a minimum, the following:

(a) Location of each point of discharge of storm water associated with industrial activity and outline of the drainage area (with a prediction of the direction of flow) of each storm water outfall.

(b) Each existing structural control measure used to reduce pollutants in storm water runoff.

(c) Surface water bodies.

(d) Locations where significant materials are exposed to precipitation.

(e) Locations where major spills or leaks identified under Part I.D.2.b.(3) have occurred.

(f) Location of fueling stations; vehicle and equipment maintenance and/or cleaning areas; storage areas for vehicles and equipment with actual or potential fluid leaks; loading/unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; processing areas; storage areas; and all monitoring locations.

(g) The site map must also indicate the types of discharges contained in the drainage areas of the outfalls (e.g., storm water and air conditioner condensate).

(2) Inventory of Exposed Materials - An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of the following:

(a) Significant materials, that in the three (3) year period prior to the effective date of the permit, have been treated, stored or disposed in a manner to allow exposure to storm water.

(b) Method and location of onsite storage or disposal of significant materials.

(c) Dirt or gravel parking areas for storage of vehicles to be maintained.

(d) Past and present materials management practices employed to minimize contact of materials with storm water run-off.

(e) The location and description of existing structural and nonstructural control measures to reduce pollutants in storm water run-off.

(f) A description of any treatment the storm water receives, including the ultimate disposal of any solid or fluid wastes other than by discharge.

(3) Spills and Leaks - A list of significant spills and leaks of toxic pollutants or hazardous substances as defined in 327 IAC 5-1.5 that occurred at the facility within the three (3) year period prior to the effective date of the permit. The list shall be updated within ninety (90) days from the date when a significant spill or leak of toxic pollutants or hazardous substances occurs and shall include a description of the materials released, an estimate of the volume of the release, the location of the release and a description of any remediation or clean-up measures taken.

(4) Sampling Data - A summary of existing sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

(5) Summary of Potential Pollutants - A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes, and onsite waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter of concern shall be identified.

c. Measures and Controls - The facility shall be operated and maintained in such a manner that exposure of storm water to potential sources of significant pollutant materials is minimized. The permittee shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility.

(1) The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

(a) Good Housekeeping - All areas that may contribute pollutants to storm water discharges shall be maintained in a clean, orderly manner.

(b) Preventive Maintenance - A preventative maintenance program shall include timely inspection and maintenance of storm water management devices, as well as, inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

(c) Spill Prevention and Response Procedures - Areas where potential spills could contribute pollutants to storm water discharges, and their accompanying drainage points, shall be identified clearly in the storm water pollution prevention plan. The program shall include, at a minimum, procedures for the following:

i Proper spill response and clean-up.

ii Reporting a spill to the appropriate facility personnel and, if appropriate, local/state emergency response personnel.

iii Routine maintenance and inspection of spill response/clean-up materials and equipment.

(d) Inspections - Qualified facility personnel shall be identified to inspect designated equipment and areas of the facility on a quarterly basis. A set of tracking or follow up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspection shall be maintained.

(e) Employee Training - Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management of the components and goals of the storm water pollution prevention plan. Training, at a minimum, shall:

i Address topics, such as, spill response, good housekeeping, and material management practices.

ii Occur at least once a year.

(f) Record keeping and Internal Reporting Procedures - A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the pollution prevention plan. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

(g) Sediment and Erosion Control - The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

(h) Management of Runoff - The plan shall contain a narrative consideration of the appropriateness of storm water management practices (practices other than those which control the generation or sources(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site.

The plan shall provide for the implementation and maintenance of measures that the permittee determines to be reasonable and appropriate. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity shall be considered when determining reasonable and appropriate measures.

Appropriate measures or other equivalent measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

d. Comprehensive Site Compliance Evaluation - Qualified personnel shall conduct a comprehensive site compliance evaluation, at least once per year, to confirm the accuracy of the description of potential pollution sources contained in the plan, determine the effectiveness of the plan, and assess compliance with the permit. Such evaluations shall provide:

(1) Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

(2) Based on the results of the evaluation, the description of potential pollutant sources identified in the plan in accordance with Part I.D.2.b. of this permit and pollution prevention measures and controls identified in the plan in accordance with Part I.D.2.c. of this permit shall be revised as appropriate within 2 weeks of such evaluation and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the evaluation.

(3) A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with the above paragraph shall be made and retained as part of the storm water pollution prevention plan for at least 3 years after the date of the evaluation. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with the signatory requirements of Part II.C.7. of this permit.

(4) Where compliance evaluation schedules overlap with inspections required under Part I.D.2.c.(1)(d), the compliance evaluation may be conducted in place of one such inspection.

3. General Requirements

General requirements of a SWPPP shall include the following:

a. The permittee shall submit a progress report to the Compliance Evaluation Section of the Office of Water Quality six (6) months after the effective date of the permit regarding the development and implementation of the plan.

b. The plan shall be certified by a qualified professional. The term qualified professional means an individual who is trained and experienced in water treatment techniques and related fields as may be demonstrated by state registration, professional certification, or completion of course work that enable the individual to make sound, professional judgements regarding storm water control/treatment and monitoring, pollutant fate and transport, and drainage planning.

c. The plan shall be submitted to the Compliance Evaluation Section of the Office of Water Quality within twelve (12) months from the effective date of the permit. A copy shall also be retained on-site and be available for review by a representative of the Commissioner upon request.

d. The permittee shall amend the plan whenever there is a change in design, construction, operation or maintenance at the facility, which may have a significant effect on the potential for the discharge of pollutants to surface waters of the state, or upon written notice by the Commissioner that the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.

E. CHRONIC BIOMONITORING PROGRAM REQUIREMENTS

The 1977 Clean Water Act explicitly states, in Section 101(3) that it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited. In support of this policy the U.S. EPA in 1995 amended the 40 CFR 136.3 (Tables IA and II) by adding testing methods for measuring acute and short-term chronic toxicity of whole effluents and receiving waters. To adequately assess the character of the effluent, and the effects of the effluent on aquatic life, the permittee shall conduct Whole Effluent Toxicity Testing. Part 1 of this section describes the testing procedures, Part 2 describes the Toxicity Reduction Evaluation which is only required if the effluent demonstrates toxicity, as described in paragraph f.

1. Whole Effluent Toxicity Tests

Within 90 days of the effective date of the permit, the permittee shall initiate the series of bioassay tests described below to monitor the toxicity of the discharge from Outfall 002.

a. Bioassay Test Procedures and Data Analysis

(1) All test organisms, test procedures and quality assurance criteria used shall be in accordance with the Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms; Third Edition Section 13, Daphnid (Ceriodaphnia dubia) Survival and Reproduction Test Method 1002.0; and Section 11, Fathead Minnow (Pimephales promelas) Larval Survival and Growth Test Method, (1000.0) EPA 600-4-91-002, July 1994 or most recent update.

(2) Any circumstances not covered by the above methods, or that require deviation from the specified methods shall first be approved by the IDEM's Environmental Toxicology and Chemistry Section.

(3) The determination of effluent toxicity shall be made in accordance with the Data Analysis general procedures for acute and chronic toxicity endpoints as outlined in Section 9 of Short-term Methods of Estimating the Chronic Toxicity of Effluent and Receiving Water to Freshwater Organisms (EPA-600-4-91-002), Third Edition, July 1994 or most recent update.

b. Types of Bioassay Tests

The permittee shall conduct a 7-day Daphnid (Ceriodaphnia dubia) Survival and Reproduction Test and a 7-day Fathead Minnow (Pimephales promelas) Larval Survival and Growth Test on samples of the final effluent. All tests will be conducted on 24-hour composite samples of final effluent. All test solutions shall be renewed daily. On days three and five fresh 24-hour composite samples of the effluent collected on alternate days shall be used to renew the test solutions.

If, in any control, more than 10% of the test organisms die in 96 hours, or more than 20% of the test organisms die in 7 days, that test (control and effluent) shall be repeated. In addition, if in the Ceriodaphnia test the number of newborns produced per female or if 60% of females have less than three broods; and in the fathead minnow test if the mean dry weight in the control group is less than 0.25 mg, that test shall also be repeated. Such testing will determine whether the effluent affects the survival, reproduction, and/or growth of the test organisms. Results of all tests regardless of completion must be reported to IDEM.

c. Effluent Sample Collection and Chemical Analysis

(1) Samples taken for the purposes of Whole Effluent Toxicity Testing, will be at a point that is representative of the discharge but prior to discharge. The maximum holding time for whole effluent is 36 hours for a 24 hour composite sample. Bioassay tests must be started within 36 hours after termination of 24 hour composite sample collection. Bioassay of effluent sampling may be coordinated with other permit sampling requirements as appropriate to avoid duplication.

(2) Chemical analysis must accompany each effluent sample taken for bioassay test. The analysis detailed under Part I.A. should be conducted for the effluent sample. Chemical analysis must comply with approved EPA test methods.

d. Testing Frequency and Duration

The chronic toxicity tests specified in paragraph b. (1) above shall be conducted monthly for a period of three months. If toxicity is demonstrated, as defined under paragraph f, the permittee is required to conduct a toxicity reduction evaluation (TRE) as specified in Part 2 (Toxicity Reduction Evaluation (TRE) Schedule of Compliance).

If no toxicity is demonstrated, as defined in paragraph f the testing frequency shall be reduced to once every six months for the duration of the permit. After three tests have been completed, that indicate no toxicity, the permittee may reduce the number of species tested to only include the most sensitive to the toxicity in the effluent.

e. Reporting

(1) Results shall be reported according to EPA 600/4-91-002, Section 10 (Report Preparation). Two copies of the completed report for each test shall be submitted to the Data Management Section of the IDEM no later than sixty days after completion of the test.

(2) For quality control the report shall include the results of appropriate standard reference toxicant tests for acute and chronic endpoints and historical reference toxicant data with mean values and appropriate ranges for the respective test species Ceriodaphnia dubia and Pimephales promelas. Biomonitoring reports must also include copies of Chain-of-Custody Records and Laboratory raw data sheets.

(3) Statistical procedures used to analyze and interpret toxicity data including critical values of significance used to evaluate each point of toxicity should be described and included as part of the biomonitoring report.

f. Demonstration of Toxicity

(1) Acute toxicity will be demonstrated if the effluent is observed to have LC_{50} of less than 100% effluent for the test organism in 48 and 96 hours for Ceriodaphnia dubia or Pimephales promelas, respectively.

(2) Chronic toxicity will be demonstrated if the No Observed Effect Level (NOEL) is less than 100 % for Ceriodaphnia dubia or Pimephales promelas.

(3) If acute or chronic toxicity is found in any of the tests specified above, a confirmation toxicity test using the specified methodology and same test species shall be conducted within two weeks of the completion of the failed test to confirm results. If any two tests, including any and all confirmation tests, indicate the presence of toxicity, the permittee must begin the implementation of a Toxicity Reduction Evaluation (TRE) as described below. The whole effluent toxicity tests required above may be suspended while the TRE is being conducted.

2. Toxicity Reduction Evaluation (TRE) Schedule of Compliance

The development and implementation of a TRE (including any post-TRE biomonitoring requirements) is only required if toxicity is demonstrated as defined by Paragraph f.

a. Development of TRE Plan

Within 90 days of determination of toxicity, the permittee shall submit plans for an effluent toxicity reduction evaluation (TRE) to the Data Management Section of the IDEM. The TRE plan shall include appropriate measures to characterize the causative toxicants and the variability associated with these compounds. Guidance on conducting effluent toxicity reduction evaluations is available from EPA and from the EPA publications listed below:

(1) Methods for Aquatic Toxicity Identification Evaluations:

Phase I Toxicity Characterization Procedures, Second Edition (EPA/600/6-91/003), February 1991.

Phase II Toxicity Identification Procedures (EPA 600/3-88/035), February 1989.

Phase III Toxicity Confirmation Procedures (EPA/600/3-88/036), February 1989.

(2) Methods for Chronic Toxicity Identification

Phase I Characterization of Chronically Toxic Effluents EPA/600/6-91/005, June 1991.

(3) Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070), March 1989.

(4) Toxicity Reduction Evaluation Protocol for Municipal Wastewater Treatment Plants (EPA/600/2-88/062), April 1989.

b. Conduct the Plan

Within 30 days after submission of the TRE plan to the IDEM, the permittee must initiate an effluent TRE consistent with the TRE plan. Progress reports shall be submitted every 90 days to the Data Management and Compliance Evaluation Sections of the Office of Water Quality (OWQ) beginning 90 days after initiation of the TRE study.

c. Reporting

Within 90 days of the TRE study completion, the permittee shall submit to the Data Management and Compliance Evaluation Sections of the Office of Water Quality (OWQ) the final study results and a schedule for reducing the toxicity to acceptable levels through control of the toxicant source or treatment of whole effluent.

d. Compliance Date

The permittee shall complete items a, b, and c from Section 2 above and reduce the toxicity to acceptable levels as soon as possible but no later than three years after the date of determination of toxicity.

e. Post-TRE Biomonitoring Requirements (Only Required After Completion of a TRE)

After the TRE, the permittee shall conduct monthly toxicity tests with 2 or more species for a period of three months. Should three consecutive monthly tests demonstrate no toxicity, the permittee may reduce the number of species tested to only include the species demonstrated to be most sensitive to the toxicity in the effluent, and conduct chronic tests every six months for the duration of the permit.

If toxicity is demonstrated, as defined in paragraph 1.f. above, after the initial three month period, testing must revert to a TRE as in Part 2 (TRE).

These tests shall be conducted in accordance with the procedures under the Whole Effluent Toxicity Testing Section above.

F. REOPENING CLAUSES

This permit may be modified, or, alternately, revoked and reissued, after public notice and opportunity for hearing:

1. to comply with any applicable effluent limitation or standard issued or approved under section 301(b)(2)(C), (D) and (E), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent limitation or standard so issued or approved:

   a. contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

   b. controls any pollutant not limited in the permit.

2. to incorporate any of the reopening clause provisions cited at 327 IAC 5-2-16.

3. To include whole effluent toxicity limitations or to include limitations for specific toxicants if the results of the biomonitoring and/or the TRE study indicate that such limitations are necessary to meet Indiana Water Quality Standards.

4. The permittee may determine a case-specific LOD or LOQ using the analytical method specified for Cyanide if limits are required in the permit, or any other test method which is approved by the Commissioner prior to use. The LOD shall be derived by the procedure specified for method detection limits contained in 40 CFR Part 136, Appendix B, and the LOQ shall be set equal to 3.18 times the LOD. Other methods may be used if first approved by the Commissioner.

PART II
STANDARD CONDITIONS FOR NPDES PERMITS

A. GENERAL CONDITIONS

1. Duty to Comply

The permittee shall comply with all conditions of this permit in accordance with 327 IAC 5-2-8(1). Any permit noncompliance constitutes a violation of the Clean Water Act, and the Environmental Management Act, and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee may claim an affirmative defense to a permit violation if the circumstances of the noncompliance meet the criteria of an upset as defined in Part II.B.3 of this permit.

2. Penalties for Violations of Permit Conditions

Pursuant to IC 13-30-4, a person who violates any provision of this permit or of water pollution control laws or a rule or standard adopted by the Water Pollution Control Board is liable for a civil penalty not to exceed twenty-five thousand dollars ($25,000) per day of any violation. Pursuant to IC 13-30-6, a person who intentionally, knowingly, or recklessly violates any provision of this permit or of water pollution control laws or a rule or standard adopted by the Water Pollution Control Board commits a class D felony punishable by the term of imprisonment established under IC 35-50-2-7(a), and/or by a fine of not less than two thousand five hundred dollars ($2,500) and not more than twenty-five thousand dollars ($25,000) per day of violation. A person convicted for a violation committed after a first conviction under this section is subject to a fine of not more than fifty-thousand dollars ($50,000) per day of violation.

Except as provided in permit conditions on "Bypass of Treatment Facilities," Part II.B.2., and "Upset Conditions," Part II.B.3., nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

3. Duty to Mitigate

Pursuant to 327 IAC 5-2-8(3), the permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

4. Permit Modification, Revocation and Reissuance, and Termination

Pursuant to 327 IAC 5-2-8(4)(A), 327 IAC 5-2-8(4)(C) and 327 IAC 5-2-16(b), this permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:

a. Violation of any term or condition of this permit; or

b. Failure of the permittee to disclose fully all relevant facts or misrepresentation of any relevant facts by the permittee in the application or during the permit issuance process; or

c. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by this permit.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or any information specified in Part II.A.5 of this permit does not stay or suspend any permit term or condition.

Pursuant to 327 IAC 5-2-8(10)(F), the permittee shall submit any information that the permittee knows or has reason to believe would constitute cause for modification or revocation and reissuance of the permit at the earliest time such information becomes available, such as plans for physical alterations or additions to the permitted facility that:

a. could significantly change the nature of, or increase the quantity of, pollutants discharged; or

b. the commissioner may request to evaluate whether such cause exists.

5. Duty to Provide Information Requested by the Commissioner

Pursuant to 40 CFR 122.41(h), the permittee shall furnish to the Commissioner, within a reasonable time, any information which the Commissioner may request to determine compliance with this permit. Pursuant to 327 IAC 5-1-3, the permittee shall furnish to the Commissioner any reports or data necessary to carry out the provisions of 327 IAC 5 in such a manner as the Commissioner may reasonably prescribe.

6. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a renewal of this permit in accordance with 327 IAC 5-2-8(2). It is the permittee's responsibility to obtain and submit the application. Pursuant to 327 IAC 5-3-2(a)(2), the application must be submitted at least 180 days before the expiration date of this permit. The Commissioner may grant permission to submit an application less than 180 days in advance of the expiration date of this permit but no later than the permit expiration date.

7. Permit Transfer

In accordance with 327 IAC 5-2-6(c), this permit may be transferred to another person by the permittee, without modification or revocation and reissuance being required under 327 IAC 5-2-16(c)(1) or 16(e)(4), if the following occurs:

a. The current permittee notified the commissioner at least thirty (30) days in advance of the proposed transfer date.

b. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date, and that the transferee is liable for violations from that date on) is submitted to the commissioner.

c. The transferee certifies in writing to the commissioner their intent to operate the facility without making such material and substantial alterations or additions to the facility as would significantly change the nature or quantities of pollutants discharged and thus constitute cause for permit modification under 327 IAC 5-2-16(d). However, the commissioner may allow a temporary transfer of the permit without permit modification for good cause, e.g., to enable the transferee to purge and empty the facility's treatment system prior to making alterations, despite the transferee's intent to make such material and substantial alterations or additions to the facility.

d. The commissioner, within thirty (30) days, does not notify the current permittee and the transferee of the intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

The Commissioner may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

8. Toxic Pollutants

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant injurious to human health and that standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition in accordance with 327 IAC 5-2-8(5). Effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants injurious to human health are effective and must be complied with, if applicable to the permittee, within the time provided in the implementing regulations, even absent permit modification.

9. Operator Certification

The permittee shall have the wastewater treatment facilities under the supervision of an operator certified by the Commissioner as required by IC 13-18-11 and 327 IAC 5-22.

10. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

11. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

12. Property Rights

Pursuant to 327 IAC 5-2-8(6), the issuance of this permit does not convey any property rights of any sort or any exclusive privileges.

13. Severability

In accordance with 327 IAC 1-1-3, the provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any person or circumstance is held invalid, the application or such provision to other circumstances and the remainder of this permit shall not be affected thereby if such provisions can be given effect without the invalid provision or application.

14. Inspection and Entry

Pursuant to 327 IAC 5-2-8(7), the permittee shall allow the Commissioner, or an authorized representative (including an authorized contractor acting as a representative of the commissioner), upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a point source is located, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect, at reasonable times:

(1) any monitoring equipment or method;

(2) any collection, treatment, pollution management, or discharge facilities; or

(3) practices required or otherwise regulated under the permit.

d. Sample or monitor at reasonable times, any discharge of pollutants or internal wastestream (where necessary to ascertain the nature of a discharge of pollutants) for the purposes of evaluating compliance with this permit or as otherwise authorized.

15. Construction Permit

In accordance with IC 13-14-8-11.6, a discharger is not required to obtain a state permit for the modification or construction of a water pollution treatment or control facility if the discharger has an effective NPDES permit.

If the discharger modifies their existing water pollution treatment or control facility or constructs a new water pollution treatment or control facility for the treatment or control of any new influent pollutant or increased levels of any existing pollutant, then, within thirty (30) days after commencement of operation, the discharger shall file with the Department of Environmental Management a notice of installation for the additional pollutant control equipment and a design summary of any modifications.

The notice and design summary shall be sent to the Office of Water Quality, Industrial NPDES Permits Section, P.O. Box 6015, Indianapolis, IN 46206-6015.

B. MANAGEMENT REQUIREMENTS

1. Proper Operation and Maintenance

The permittee shall at all times maintain in good working order and efficiently operate all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee and which are necessary for achieving compliance with the terms and conditions of this permit in accordance with 327 IAC 5-2-8(8).

2. Bypass of Treatment Facilities

Pursuant to 327 IAC 5-2-8(11):

a. Terms as defined in 327 IAC 5-2-8(11)(A):

(1) "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. The permittee may allow a bypass to occur that does not exceed any effluent limitations contained in this permit, but only if it is for essential maintenance to assure efficient operation. The permittee is not required to notify the Commissioner about bypasses that meet this definition. This provision will be strictly construed. These bypasses are not subject to the provisions of Part II.B.2.d and e of this permit.

c. Bypasses, as defined in (a) above, are prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless the following occur:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part II.B.2.e; or

(4) The condition under Part II.B.2.b above is met.

d. In accordance with 327 IAC 2-6.1, bypasses which result in damage or death are subject to the "Two-Hour Reporting Requirements" in Part II.C.3. of this permit.

e. The permittee must provide the Commissioner with the following notice:

(1) If the permittee knows or should have known in advance of the need for a bypass (anticipated bypass), it shall submit prior written notice. If possible, such notice shall be provided at least ten (10) days before the date of the bypass for approval by the Commissioner.

(2) The permittee shall orally report an unanticipated bypass that exceeds any effluent limitation in the permit within 24 hours of becoming aware of the bypass noncompliance. The permittee must also provide a written report within five (5) days of the time the permittee becomes aware of the bypass event. The written report must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the event.

f. The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the conditions listed above in Part II.B.2.b. The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.

3. Upset Conditions

Pursuant to 327 IAC 5-2-8(12):

a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph c of this section, are met.

c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

(1) An upset occurred and the permittee has identified the specific cause(s) of the upset, if possible;

(2) The permitted facility was at the time being operated in compliance with proper operation and maintenance procedures; and

(3) The permittee complied with any remedial measures required under Part II.A.3.

(4) The permittee submitted notice of the upset as required in the "Two Hour Reporting Requirements," Part II.C.3, or the "Twenty-Four Hour Reporting Requirements," Part II.C.4, whichever is applicable.

d. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State and to be in compliance with all Indiana statutes and regulations relative to liquid and/or solid waste disposal.

a. Collected screenings, slurries, sludges, and other such pollutants shall be disposed of in accordance with methods established in 329 IAC 10 and 327 IAC 6.1, or another method approved by the Commissioner.

b. The permittee shall comply with existing federal regulations governing solids disposal, and with applicable 40 CFR Part 503, the federal sludge disposal regulation standards.

c. The permittee shall notify the Commissioner prior to any changes in sludge use or disposal practices.

C. REPORTING REQUIREMENTS

1. Planned Changes in Facility or Discharge

Pursuant to 327 IAC 5-2-8(10)(F), the permittee shall give notice to the commissioner as soon as possible of any planned physical alterations or additions to the permitted facility. In this context, permitted facility refers to a point source discharge, not a wastewater treatment facility. Notice is required only when either of the following applies:

a. The alteration or addition may meet one of the criteria for determining whether the facility is a new source as outlined in 327 IAC 5-1.5.

b. The alteration or addition could significantly change the nature of, or increase the quantity of, pollutants discharged. This notification applies to pollutants that are subject either to effluent limitations in Part I.A. or to notification requirements in Part II.C.10. of this permit.

Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited.

2. Monitoring Reports

Pursuant to 327 IAC 5-2-8(9) and 327 IAC 5-2-13 through 15, monitoring results shall be reported at the intervals and in the form specified in "Discharge Monitoring Report", Part I.C.2.

3. Two-Hour Reporting Requirement

Pursuant to 327 IAC 2-6.1, any discharge of pollutants to waters of the State from the permittee's collection system or wastewater treatment plant which results in damage, acute injury, or death to any humans, animals, or aquatic life must be reported as soon as possible, but within two (2) hours after the permittee becomes aware of the occurrence. (This includes any discharge regardless of whether or not it is authorized by the NPDES permit.)

Any discharge of pollutants which enters waters of the state from the permittee's collection system or wastewater treatment plant and which is not authorized by the NPDES permit must also be reported within two (2) hours after the permittee becomes aware of the occurrence. (Note: Only those outfalls which are specifically identified in Part I.A of this permit are considered to be authorized discharges under this NPDES permit.) Any unauthorized discharge of pollutants from the collection system which does not reach waters of the state must be reported to the IDEM in accordance with the "Twenty-Four Hour Reporting Requirements" in Part II.C.4.

The permittee is required to notify IDEM's Office of Land Quality, Emergency Response Section at 317/233-7745 or 888/233-7745 (toll-free within Indiana) of any discharges which meet the criteria of 327 IAC 2-6.1.

4. Twenty-Four Hour Reporting Requirement

Pursuant to 327 IAC 5-2-8(10)(C), the permittee shall orally report to the Commissioner information on the following types of noncompliance within 24 hours from the time permittee becomes aware of such noncompliance:

a. Any unanticipated bypass which exceeds any effluent limitation in the permit;

b. Any noncompliance that may pose a significant danger to human health or the environment. Reports under this item shall be made as soon as the permittee becomes aware of the noncomplying circumstances;

c. Any upset that causes an exceedance of any effluent limitation in the permit.

d. Violation of a maximum daily discharge limitation for any of the following toxic pollutants: **Total Copper, Total Lead, Total Zinc, Total Phenols, Total Residual Chlorine, PCB's, and Ammonia**.

The permittee can make the oral reports by calling (317) 232-8670 during regular business hours or by calling (317) 233-7745 ((888) 233-7745 toll free in Indiana) during non-business hours. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Alternatively the permittee may submit a "Bypass Fax Report" or a "Noncompliance Notification Report", whichever is appropriate, to IDEM at (317) 232-8637. If a complete fax submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then the fax report will satisfy both the oral and written reporting requirements.

5. Other Noncompliance

Pursuant to 327 IAC 5-2-8(10)(D), the permittee shall report any instance of noncompliance not reported under the "Twenty-Four Hour Reporting Requirements" in Part II.C.4 or any compliance schedules at the time the pertinent Discharge Monitoring Report is submitted. The report shall contain the information specified in the compliance schedule.

6. Other Information

Pursuant to 327 IAC 5-2-8(10)(E), where the permittee becomes aware of a failure to submit any relevant facts or submitted incorrect information in a permit application or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

7. Signatory Requirements

Pursuant to 327 IAC 5-2-22 and 327 IAC 5-2-8(14):

a. All reports required by the permit and other information requested by the Commissioner shall be signed and certified by a person described below or by a duly authorized representative of that person:

(1) For a corporation: by a responsible corporate officer defined as a president, secretary, treasurer, any vice-president of the corporation in charge of a principal business function, or any other person who performs similar policymaking or decision making functions for the corporation or the manager of one or more manufacturing, production, or operating facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a Federal, State, or local governmental body or any agency or political subdivision thereof: by either a principal executive officer or ranking elected official.

b. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above.

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

(3) The authorization is submitted to the Commissioner.

c. Certification. Any person signing a document identified under Part II.C.7., shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

8. Availability of Reports

Except for data determined to be confidential under 327 IAC 12.1, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Indiana Department of Environmental Management and the Regional Administrator. As required by the Clean Water Act, permit applications, permits, and effluent data shall not be considered confidential.

9. Penalties for Falsification of Reports

IC 13-30 and 327 IAC 5-2-8(14) provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 180 days per violation, or by both.

10. Changes in Discharge of Toxic Substances

Pursuant to 327 IAC 5-2-9, the permittee shall notify the Commissioner as soon as it knows or has reason to believe:

a. That any activity has occurred or will occur which would result in the discharge of any pollutant identified as toxic, pursuant to Section 307(a) of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels."

(1) One hundred micrograms per liter (100 ug/l);

(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,5-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or

(4) A notification level established by the Commissioner on a case-by-case basis, either at his own initiative or upon a petition by the permittee. This notification level may exceed that levels specified in subdivisions (1), (2), or (3) but may not exceed the level which can be achieved by the technology-based treatment requirements applicable to the permittee under the CWA (see 327 IAC 5-5-2).

b. That it has begun or expects to begin to use or manufacture, as an intermediate or final product or byproduct, any toxic pollutant which was not reported in the permit application under 40 CFR 122.21(g)(9).